

# FISH & RICHARDSON P.C.

Suite 1100  
919 N. Market Street  
P.O. Box 1114  
Wilmington, Delaware  
19899-1114

Telephone  
302 652-5070

Facsimile  
302 652-0607

Web Site  
[www.fr.com](http://www.fr.com)

Frederick P. Fish  
1855-1930

W.K. Richardson  
1859-1951

November 19, 2007

## VIA ECF

The Honorable Sue L. Robinson  
United States District Court  
for the District of Delaware  
844 King Street  
Wilmington, DE 19801

Re: *Hewlett Packard v. Polaroid Corporation*  
USDC-D. Del. - C.A. No. 06-738 (SLR)



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WASHINGTON, DC

Dear Judge Robinson:

We are in receipt of Mr. Blumenfeld's letter of this date reporting on issues that Polaroid would like to address at this afternoon's status conference (D.I. 73). We understood that the primary purpose for setting today's hearing was to insure that all relevant source code has been produced. Mr. Blumenfeld's letter does not mention source code, but Hewlett Packard ("HP") does have an issue that it wishes to raise with respect to source code for Polaroid products that may practice the invention. This issue is relevant to the commercial success of the '381 patent (i.e., obviousness), as well as to the appropriate damages period in this case given Polaroid's failure to mark any of its products. Polaroid, however, has not produced the source code necessary for HP to determine whether certain Polaroid products practiced the '381 invention, and in most cases, Polaroid has not produced any source code for its products whatsoever. The immediate production of this source code is necessary because HP is scheduled to take the 30(b)(6) deposition of Polaroid on the operation of Polaroid's products next week, on November 27th.

With respect to Polaroid's request for additional damages information - including revenue, unit, price, and profit information - we believe we have provided this for nearly all of the accused LACE products that are ***sold***. To the extent relevant documents or information for any of these products have not been produced, we will work to provide it by December 7. To the extent Polaroid is still seeking revenue, unit, price and profit information for all products that may include LACE, even when the LACE software is given away and ***not sold***, we object for the reasons set forth in

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our motion to bifurcate and stay damages (D.I. 68-69). We have already provided estimates of the number of units of LACE software that are given away. To provide detailed financial information on the products that are sold with the free LACE software would be unduly burdensome and would require several months to compile and produce.

Respectfully,

*/s/ William J. Marsden, Jr.*

William J. Marsden, Jr.

WJM:sb

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cc: Jack B. Blumenfeld, Esq. (via email)  
Russell E. Levine, Esq. (via email)  
Julia Heaney, Esq. (via email)  
C. Graham Gerst, Esq. (via email)